

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

VARNADOR SUTTON,)
)
 Plaintiff,)
)
 vs.) 1:12-cv-531-TWP-DML
)
)
UNITED STATES OF AMERICA and)
WINFIELD ONG,)
)
 Defendants.)

Entry and Order Dismissing Action

I.

Plaintiff Varnador Sutton was given a period of time in which to show cause why this action should not be dismissed for failure to state a claim upon which relief can be granted based on earlier observations in the case that the claim against defendant Ong appears to be barred by prosecutorial immunity, *see Fields v. Wharrie*, 672 F.3d 505, 510 (7th Cir. 2012) ("A prosecutor is absolutely immune from suit for all actions and decisions undertaken in furtherance of his prosecutorial duties.") (citing *Imbler v. Pachtman*, 424 U.S. 409, 410 (1976)), whereas no *Bivens* claim can be asserted against the United States. *See FDIC v. Meyer*, 510 U.S. 471, 475 (1994) ("Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit.").

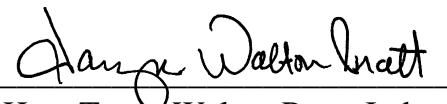
Sutton has responded, but his response falls short, and for the reasons referenced in the preceding paragraph this action is dismissed pursuant to 28 U.S.C. § 1915A(b) because the complaint fails to state a claim upon which relief can be granted.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 09/04/2012


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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